

REMARKS

This response is being filed in response to the Notice of Non-Compliant Amendment dated August 24, 2009.

Initially, Applicants would like to thank the Examiner for clarifying in phone conversations with Applicants' representative on September 22 and 23, 2009, that notwithstanding a typographic error in the Office Action asking the Applicants to withdraw claims not drawn to the inductor, claims not drawn to the capacitor should be withdrawn in this response. Furthermore, the Examiner also clarified that the claim listing submitted herewith should reflect claim status with respect to the most recent claim listing submitted by Applicants on April 09, 2009, which was entered in the record.

Applicants believe that Claims 242 to 248, 250, 252, 254, 257 to 259, 261, 262, 264, 266, 269, 271, 273, 276, 280 to 283 and 286 are drawn to the capacitor or are generic with respect to all species. Accordingly, Applicants elect Species I comprising Claims 242 to 248, 250, 252, 254, 257 to 259, 261, 262, 264, 266, 269, 271, 273, 276, 280 to 283 and 286 for examination and withdraw claims 251, 253, 255, 256, 260, 263, 265, 267, 268, 270, 272, 274, 275, 277 to 279, 284, 285, 287 and 288 to 290.

Applicants make the election with traverse. The Examiner is respectfully requested to reconsider the restriction requirement because of the increased cost to Applicants if the four species are separately examined. Furthermore, the field of search must necessarily cover all species, in addition to related Classes and subclasses, to provide a complete and adequate search. Applicants also respectfully submit that in light of the prior art search performed during prior examination of the present application, including prior art search for claims reciting non-capacitor features, Examiner will not have additional burden to simultaneously examine claims belonging to the allegedly different species.

CONCLUSION

Entry hereof and early allowance are respectfully requested. Should the Examiner have any questions, the Examiner is invited to call the undersigned. All correspondence should be directed to our address given below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,
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